

1411

2017-2018 Regular Sessions

I N S E N A T E

January 9, 2017

Introduced by Sens. GRIFFO, BONACIC, KAMINSKY -- read twice and ordered printed, and when printed to be committed to the Committee on Local Government

AN ACT to amend the volunteer firefighters' benefit law, in relation to the expansion of coverage to include cancer of the lymphatic or hematological systems, the digestive, urinary, prostate, neurological, breast or reproductive systems or melanoma; and providing for the repeal of such provisions upon expiration thereof

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. The volunteer firefighters' benefit law is amended by
2 adding a new section 11-d to read as follows:
3 S 11-D. VOLUNTEER FIREFIGHTERS; PRESUMPTION IN CERTAIN CANCERS. 1.
4 NOTWITHSTANDING ANY OTHER PROVISION OF THIS CHAPTER TO THE CONTRARY, A
5 CONDITION OF IMPAIRMENT OF HEALTH OF A VOLUNTEER FIREFIGHTER WITH (A)
6 FIVE OR MORE YEARS OF FAITHFUL AND ACTUAL SERVICE IN THE PROTECTION OF
7 LIFE AND PROPERTY FROM FIRE IN THE INTERIOR OF BUILDINGS CAUSED BY
8 CANCER AFFECTING THE LYMPHATIC OR HEMATOLOGICAL SYSTEMS OR (B) TEN OR
9 MORE YEARS OF FAITHFUL AND ACTUAL SERVICE IN THE PROTECTION OF LIFE AND
10 PROPERTY FROM FIRE IN THE INTERIOR OF BUILDINGS CAUSED BY CANCER AFFECT-
11 ING THE DIGESTIVE, URINARY, PROSTATE, NEUROLOGICAL, BREAST OR REPRODUC-
12 TIVE SYSTEMS OR MELANOMA, RESULTING IN TOTAL OR PARTIAL DISABILITY OR
13 DEATH TO SUCH VOLUNTEER FIREFIGHTER, WHO SUCCESSFULLY PASSED A PHYSICAL
14 EXAMINATION ON ENTRY INTO FIREFIGHTER SERVICE, WHICH EXAMINATION FAILED
15 TO REVEAL ANY EVIDENCE OF SUCH CANCERS, SHALL BE PRESUMPTIVE EVIDENCE
16 THAT IT WAS INCURRED IN THE PERFORMANCE AND DISCHARGE OF DUTY, UNLESS
17 THE CONTRARY BE PROVEN BY COMPETENT EVIDENCE. CLAIMS FOR BENEFITS
18 PURSUANT TO THIS SECTION MUST BE FILED WITHIN TWELVE YEARS OF SEPARATION
19 FROM ACTIVE SERVICE IN PROTECTING LIFE AND PROPERTY FROM FIRE IN THE
20 INTERIOR OF BUILDINGS.

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets [] is old law to be omitted.

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1 2. THIS SECTION SHALL NOT APPLY TO VOLUNTEER FIREFIGHTERS SERVING IN A
2 FIRE COMPANY OR FIRE DEPARTMENT WHERE THE LEGISLATIVE BODY OF THE CITY
3 OR THE VILLAGE, THE BOARD OF FIRE COMMISSIONERS OR OTHER GOVERNING BOARD
4 OF THE FIRE DISTRICT, OR THE TOWN BOARD OF THE TOWN IN RELATION TO (A)
5 THE FIRE COMPANIES SERVING TERRITORY OUTSIDE THE VILLAGES AND FIRE
6 DISTRICTS OR (B) A TOWN FIRE DEPARTMENT, HAS ADOPTED A LOCAL LAW OR
7 RESOLUTION TO ELECT NOT TO PROVIDE THIS PRESUMPTION.

8 S 2. This act shall take effect immediately and shall expire and be
9 deemed repealed June 30, 2021.